

Position Description

Read each heading carefully before proceeding. Make statements simple, brief, and complete. Be certain the form is signed. Send the original to the Office of Personnel Services.

CHECK ONE: ☐ NEW POSITION ☒ EXISTING POSITION

Part I - Items 1 through 12 to be completed by department head or personnel office.

1. Agency Name Dept. for Children and Families		9. Position No. K0109813	10. Budget Program Number	
2. Employee Name (leave blank if position vacant)			11. Present Class Title (if existing position) Public Service Executive III	
3. Division Legal – Main Office			12. Proposed Class Title Attorney IV	
4. Section	For Use By Personnel Office	13. Allocation		
5. Unit		14. Effective Date		
6. Location (address where employee works) City Topeka County Shawnee		15. By	Approved	
7. (circle appropriate time) Full time Perm. Inter. Part time Temp. % 100		16. Audit Date: By: Date: By:		
8. Regular hours of work: (circle appropriate time) FROM: 8:00 AM To: 5:00 PM		17. Audit Date: By: Date: By:		

Agency
Number

Position
Number

PART II - To be completed by department head, personnel office or supervisor of the position.

18. If this is a request to reallocate a position, briefly describe the reorganization, reassignment of work, new function added by law or other factors which changed the duties and responsibilities of the position:

Duties are now those of the litigation attorney.

19. Who is the supervisor of this position? (person who assigns work, gives directions, answers questions and is directly in charge)?

Name David Davies Title General Counsel Position Number K0124713

Who evaluates the work of an incumbent in this position?

Name David Davies Title General Counsel Position Number K0124713

20. a) How much latitude is allowed employee in completing the work? b) What kinds of instructions, methods and guidelines are given to the employee in this position to help do the work? c) State how and in what detail assignments are made.

- a) The incumbent is given great latitude as to how the work is completed and is required to exercise independent professional judgment in carrying out the duties.
- b) Employee receives general input regarding goals, priorities and needs of the department.
- c) Employee receives some assignments from the General Counsel, but most assignments come directly to the employees.

21. Describe the work of this position using the page or one additional page only. (Use the following format for describing job duties):

What is the action being done (use an action verb); to **whom** or **what** is the action directed (object of action); **why** is the action being done (be brief); **how** is the action being done (be brief). For each task state: Who reviews it? How often? What is it reviewed for?

Number Each Task and Indicate Percent of Time and Identity each function as essential or marginal by placing an E or M next to the % of time for each task. Essential functions are the primary job duties for which the position was created and that an employee must be able to perform, with or without reasonable accommodation. A marginal function is a peripheral, incident of minimal part of the position.

No. Each Task and Indicate Percent of Time	E or M	
1 20%	E	<p><u>COORDINATION OF LITIGATION ACTIVITIES</u></p> <p>A) This assignment entails the following tasks:</p> <ol style="list-style-type: none"> 1) Assigns cases, as necessary, to staff attorneys in consultation with the General Counsel; 2) Coordinates case strategy; 3) Coordinates case activity; 4) Monitors case activity; 5) Monitors timelines to insure that no deadlines are missed; 6) Reviews appellate briefs and arguments; 7) Supervises timelines to insure that no deadlines are missed; 8) Evaluates attorneys performance in consultation with the General Counsel; 9) Produces periodic litigation reports for the General Counsel and Secretary of DCF; 10) Reviews and advises on all settlements submitted to the Attorney General and the Finance Council; 11) Revises and advises on bills submitted by contract attorneys hired to provide legal services to DCF. <p>B) Agency litigation Ranges in difficulty from simple to complex I nature and covers a broad spectrum of subject matter; civil rights litigation including class actions, program reimbursement litigation including collection actions, class actions, civil service appeals, administrative fair hearings, tort liability, malpractice contract disputes recoveries, guardianships, declaratory judgment actions, and appeals to district and appellate courts.</p> <p>C) The work product is reviewed for results and the attorney is given wide latitude as to how the task assignments are completed.</p>
2 40%	E	<p><u>LITIGATION</u></p> <p>A) This assignment entails the following tasks:</p> <ol style="list-style-type: none"> 1) Represents the agency before administrative boards and district and appellate courts; 2) Conducts research; 3) Drafts letters; 4) Drafts necessary pleadings such as petitions, answers, motions and briefs; 5) Evaluates, negotiates and recommends settlement agreements. <p>B) The cases assigned to the attorney range in difficulty from simple to complex in nature. The attorney exercises independent professional judgment in the processing of assigned cases. This includes decisions concerning the various aspects of litigation such as prehearing or pretrial tactics, negotiations, fact stipulations, recommendations concerning settlement offers, and recommendations whether to appeal adverse decisions. The attorney may be individually assigned to a case or as a member of a litigation team.</p> <p>C) The attorney will have contact with agency staff, private attorneys, hearing officers and judges during course of processing assigned cases.</p> <p>D) The work product is reviewed for results and the attorney is given wide latitude as to how the task assignments are completed.</p>
3. 20%	E	<p><u>CONSULTATIVE SERVICES</u></p>

		<p>A) This assignment entails the following tasks:</p> <ol style="list-style-type: none"> 1) Provides legal advice to the Secretary, agency administrators, agency legal staff and other agency personnel; 2) Provides legal advice on Kansas Open Records Act requests submitted to the agency. 3) Assists in drafting legislations, administrative regulations, program policies, legal opinions, memorandums of law, correspondence for administrators; 4) Advises the General Counsel as to significant legal issues which may impact agency operations by reviewing professional journals, periodicals, books, seminar materials, legislation and recent case decisions; 5) Provides legal training to agency staff. <p>B) The legal advice will range in difficulty from simple to complex in nature and will cover a broad range of sensitive and controversial issues, tort liability, malpractice, forensic law, treatment questions, licensing issues, etc.</p> <p>C) The attorney exercise independent professional judgment in providing legal consultation. The work product is generally reviewed for results and he or she is given wide latitude as to how the task assignments are completed.</p>
4. 15%	E	<p><u>ADMINISTRATIVE AND SUPERVISORY RESPONSIBILITIES</u></p> <p>A) This assignment entails the following tasks:</p> <ol style="list-style-type: none"> 1) Acts as senior legal advisor to an umbrella agency executive staff; 2) Reviews monthly billings from contract attorneys and experts and advises the General Counsel if the Billings are appropriate; and 3) Assign and monitor collection actions to regional attorneys which are the result of judgments due to fraud. <p>B) The work product is reviewed for results and the attorney is given wide latitude as to how the task assignments are completed.</p>
5. 5%	E	<p><u>PERFORMING SPECIAL TASKS AS ASSIGNED</u></p> <p>From time to time the General counsel will assign special tasks to the attorney. Such tasks are varied in nature and may concern any aspect of the agency's operations.</p>

22. a. If work involves leadership, supervisory, or management responsibilities, check the statement which best describes the position:
- () Lead worker assigns, trains, schedules, oversees, or reviews work of others.
- () Plans, staffs, evaluates, and directs work of employees of a work unit.
- () Delegates authority to carry out work of a unit to subordinate supervisors or managers.

b. List the names, class titles, and position numbers of all persons who are supervised directly by employee on this position.

Name

Title

Position Number

23. Which statement best describes the results of error in action or decision of this employee?

- () Minimal property damage, minor injury, minor disruption of the flow of work.
- () Moderate loss of time, injury, damage or adverse impact on healthy and welfare of others.
- (X) Major program failure, major property loss, or serious injury or incapacitation.
- () Loss of life, disruption of operations of a major agency.

Please give examples.

None of the above statements best describe the result of any errors made by the attorney in this position. Should the attorney make an error, the major impact might result in monetary loss to the agency in representing DCF in court. The consequences of not performing the essential functions, is that the Secretary of DCF and the Department will not receive adequate representation. The impact financially is that the Department may have to pay substantial monetary judgments on claims by plaintiffs. Furthermore, an increase in litigation against the Secretary of the State will occur.

24. For what purpose, with whom and how frequently are contacts made with the public, other employees or officials?

Contacts are made daily with agency personnel, staff attorneys, private attorneys, Courts, Office of Administrative Hearings' staff, consumers and the general public in performing the duties of this position.

25. What hazards, risks or discomforts exist on the job or in the work environment?

General office risks

26. List machines or equipment used regularly in the work of this position. Indicate the frequency with which they are used:

Telephone, copier, personal computer, fax on a daily basis

PART III - To be completed by the department head or personnel office

27. List the minimum amounts of education and experience which you believe to be necessary for an employee to begin employment in this position.

Certificate of admission to the Bar of the Supreme Court of Kansas or temporary permit to practice law issued by the Supreme Court of Kansas and three years of experience practicing law as a licensed attorney.

Education or Training - special or professional

Licenses, certificates and registrations

Special knowledge, skills and abilities

Experience - length in years and kind

28. SPECIAL QUALIFICATIONS

State any additional qualifications for this position that are necessary either as a physical requirement of an incumbent on the job, a necessary special requirement, a bona fide occupational qualification (BFOQ) or other requirement that does not contradict the education and experience statement on the class specification. A special requirement must be listed here in order to obtain selective certification.

Signature of Employee _____ Date _____

Signature of Personnel Official _____ Date _____

Approved:

Signature of Supervisor _____ Date _____

Signature of Agency Head or _____ Date _____
Appointing Authority